

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

MARCUS DION BROOKING,

Plaintiff,

v.

D.O.C., *et al.*,

Defendants.

No. 3:15-CV-02134

(Judge Brann)

(Magistrate Judge Saporito)

ORDER

OCTOBER 28, 2020

Plaintiff filed the instant action on August 21, 2015. The case was reassigned to me and referred to Magistrate Judge Joseph F. Saporito, Jr.. Upon designation, a magistrate judge may “conduct hearings, including evidentiary hearings, and . . . submit to a judge of the court proposed findings of fact and recommendations.”¹ Once filed, this report and recommendation is disseminated to the parties in the case who then have the opportunity to file written objections.²

On September 25, 2020 Magistrate Judge Saporito, to whom this matter is jointly assigned, issued a thorough report and recommendation, recommending that Defendant’s motion for summary judgment be denied, and that the matter be remanded to Magistrate Judge Saporito for consideration of exhaustion of administrative remedies.

¹ 28 U.S.C. 636(b)(1)(B).

² 28 U.S.C. 636(b)(1).

No objections to the report and recommendation have been filed. For portions of the report and recommendation to which no objection is made, the Court should, as a matter of good practice, “satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.”³ Regardless of whether timely objections are made by a party, the District Court may accept, not accept, or modify, in whole or in part, the findings or recommendations made by the magistrate judge.⁴

Because I write solely for the parties, I will not restate the facts, but will instead adopt the recitation of facts as set forth by the magistrate judge. I have conducted a de novo review here and found no error.

AND NOW, IT IS HEREBY ORDERED that:

1. Magistrate Judge Saporito’s September 25, 2020, Report and Recommendation (Doc. 44) is **ADOPTED in full**.
2. The case is remanded to Magistrate Judge Saporito for further proceedings.

BY THE COURT:

s/ Matthew W. Brann
Matthew W. Brann
United States District Judge

³ Fed.R.Civ.P. 72(b), advisory committee notes; *see also Univac Dental Co. v. Dentsply Intern., Inc.*, 702 F.Supp.2d 465, 469 (M.D.Pa.2010) (*citing Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir.1987) (explaining that judges should give some review to every report and recommendation)).

⁴ 28 U.S.C. § 636(b)(1); Local Rule 72.31.